

ECS File: JPA-89-149
Project: N900-319PE/H0937 01D
Section: SR-87/SR-260
Payson Drainage Study

MEMORANDUM OF AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON

THIS AGREEMENT is entered into 19 June, 1990,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF
PAYSON, acting by and through its Town Council (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The State and the Town desire to participate in a drainage study to develop a storm drain concept to collect stormwater at key points along the roadways and convey it to American Gulch for the benefit of the Town and the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Hire a consultant to accomplish the drainage study, to consist of an analysis of existing roadway plans, storm drainage plans, utility plans, zoning maps, Town drainage ordinances, previous drainage reports, bench mark surveys and existing/new aerial mapping, at an estimated cost of \$60,325. Administer the contract and provide payment to the consultant for the States portion of the work, estimated at \$40,325.

b. Provide the Town copies of the study progress reports and incorporate Towns's study review comments.

c. Be responsible for any consultant claims for extra compensation attributable to State.

d. Upon completion and acceptance of the study, the States consultant will invoice the Town for its portion of the study, in the amount of \$20,000.

2. The Town will:

a. Review progress reports and provide comments.

b. Furnish the consultant such data as may be reasonably available required for the study, at no cost.

c. Participate in the cost of the study in the amount of \$20,000. Pay the consultant within thirty days after receipt of invoice. Be responsible for any consultant claims for extra compensation attributable to Town.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study payments; provided, however, that this agreement may be cancelled at any time prior to the award of a consultant contract, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

Town of Payson
Town Manager
303 N. Beeline Highway
Payson, AZ 85541

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PAYSON

STATE OF ARIZONA

Department of Transportation

By Ernest J. Bennett
ERNEST J. (JACK) BENNETT
Mayor *by J. J. J. J.*

By Robert P. Mickelson
ROBERT P. MICKELSON
Deputy State Engineer

ATTEST:

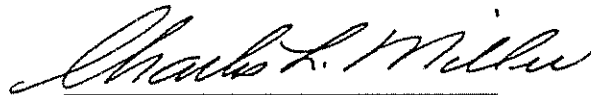
By Linda J. Foster
LINDA J. FOSTER
City Clerk

2470j
20FEB

RESOLUTION

BE IT RESOLVED on this 14th day of November 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Town of Payson for the purpose of defining responsibilities to participate in a drainage study in the area of SR-87 and SR-260.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 694

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON TO AUTHORIZE THE MAYOR TO EXECUTE EXHIBIT I ATTACHED HERETO TO COMPLETE A JOINT TOWN OF PAYSON AND ARIZONA DEPARTMENT OF TRANSPORTATION DRAINAGE STUDY ALL PURSUANT TO AGREEMENT NO. JPA-89-149, PROJECT NO. N900-319PE/H0937 01D, SECTION: SR-87/SR-260, AND APPROPRIATING \$20,000.00 AS THE TOWN OF PAYSON'S FINANCIAL CONTRIBUTION/MATCH.

WHEREAS, The State and the Town desire to participate in a drainage study to develop a storm drainage concept to collect stormwater at key points along the roadways and convey it to American Gulch, and,

WHEREAS, the Town of Payson and the motoring public will benefit from this drainage project/study,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, that

The Mayor is hereby empowered to act as agent for the Town of Payson to execute Exhibit I, Agreement No. JPA-89-149 attached hereto and that the \$20,000 in funding for the project's completion is hereby authorized to be spent, all according to the terms of Exhibit I, and that the project shall be funded out of the Council Contingency Fund.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 22nd day of March, 1990, by the following vote:

AYES -7- NOES -0- ABSTENTIONS -0- ABSENT -0-

Ernest J. Bennett
Ernest J. Bennett, Mayor

ATTEST:

Linda J. Foster
Linda J. Foster, Town Clerk

APPROVED AS TO FORM:

Harlan W. Green
Harlan W. Green, Town Attorney

STATE OF ARIZONA
COUNTY OF GILA
TOWN OF PAYSON

I, Linda J. Foster, Town Clerk of the Town of Payson, Arizona, do hereby certify that the foregoing is a true and correct copy of the Resolution No. 694.

Resolution No. 694

1978 May 20

Linda J. Foster
Town Clerk - Town of Payson, Arizona

11/22/97